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From: Hagler, Tom

Sent: Friday, October 30, 2015 11:35 AM

To: Quast, Sylvia <Quast.Sylvia@epa.gov>; Schroer, Lee <schroer.lee@epa.gov>;
Stephen.Samuels@usdoj.gov; Kermish, Laurie <Kermish.Laurie@epa.gov>

Cc: Torres, Tomas <Torres.Tomas@epa.gov>; Woo, Nancy <Woo.Nancy@epa.gov>; Kemmerer, John <KEMMERER.JOHN@EPA.GOV>; Hashimoto, Janet <Hashimoto.Janet@epa.gov>; Vendlinski, Tim <vendlinski.tim@epa.gov>; Johnson, Kathleen <Johnson.Kathleen@epa.gov>

Subject: 60 Day Notice re: EPA Alleged Inaction on California State Water Board's Urgency Change Petition Order in the California Bay Delta

Yesterday, Region IX received an email copy of the attached 60-day notice (60-day Notice) from the Natural Resources Defense Council, Defenders of Wildlife, and the Bay Institute regarding alleged EPA violations of the Clean Water Act in the California Bay Delta. The 60-day Notice raises two related but separate issues:

(1) That EPA failed to perform a CWA Section 303(c)(1) "triennial review" of the California water quality standards in the Bay Delta, where the State Board has failed to do said triennial review for almost ten years.

(2) That EPA failed to perform its mandatory duty under CWA Section 303(c)(3) when it failed to review and act on alleged "new or revised" WQS "adopted" by the State Board when the Board approved successive "temporary urgency change petitions" (TUCP) during the current drought. These TUCPs enable the export projects to operate the water export facilities in the Sacramento San Joaquin River Delta ("Delta") in violation of the water quality standards (and other operational constraints) contained in the State's Water Quality Control Plan (WQCP). One of the major water quality standards being suspended is the salinity standard promulgated by EPA in 1995.

A copy of the 60-day Notice is attached, and the incoming courtesy email is pasted below. The NGOs have requested a meeting with the Regional Administrator on this notice, as has the State Board.

For more information, contact Tom Hagler, ORC-9, at (415)972-3945[X]

From: Poole, Kate <kpoole@nrdc.org<<mailto:kpoole@nrdc.org>>>
Sent: Thursday, October 29, 2015 1:33 PM
To: Blumenfeld, Jared; Hagler, Tom
Cc: Obegi, Doug; Hal Candee (external); Rachel Zwillinger
(RZWILLINGER@defenders.org<<mailto:RZWILLINGER@defenders.org>>); Jonathan
Alan Rosenfield Ph. D. (rosenfield@bay.org<<mailto:rosenfield@bay.org>>)
(jon.tbi@gmail.com<<mailto:jon.tbi@gmail.com>>); Gary Bobker
(bobker@sbcglobal.net<<mailto:bobker@sbcglobal.net>>)
Subject: Notice letter re the failure to enforce and update water quality standards in
California's Bay-Delta

Dear Jared and Tom,

Please find attached a 60-day notice letter from NRDC, Defenders of Wildlife, and The Bay Institute seeking EPA's intervention in California's failure to enforce and update water quality standards. Given the rapidly deteriorating condition of the Bay-Delta estuary and its native fish and wildlife, we believe that these matters require urgent attention. We would like to sit down with you to discuss a productive path forward. Please let us know some times that would be convenient.

Sincerely,

Kate Poole

Kate Poole

Senior Attorney

(admitted in California)

Natural Resources

Defense Council

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